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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/629,996	07/29/2003	Shirley M. Benson	3799	8556

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EXAMINER

DEMILLE, DANTON D

ART UNIT	PAPER NUMBER
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3771

MAIL DATE	DELIVERY MODE
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05/29/2007

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/629,996

Applicant(s)

BENSON, SHIRLEY M.

Examiner

Danton DeMille

Art Unit

3771

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 14 March 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 38-53 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 38-53 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Drawings

The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the pair of v-arm loops having wrist loops thereon, the aides end comprising only one v-arm loop of claim 46 and the handlebars, molded rubber handgrips, beads and balls of claim 40 must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

Claim Rejections - 35 USC § 112

Claims 38-53 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In claim 38, line 4, it is not clear what is meant by “anaide’s”. In line 7, it would appear “on” should be --one--. In line 8, there is no clear antecedent basis for “said source of resistance”. In the last line it is not clear who is the “user”. The mother or the aide?

In claim 39, there is no clear antecedent basis for “said significant other”. In the last line it is not clear how is “she”.

Claim 46 contains periods. In line 5 a pair of v-arm loops is recited. In the language following this it is recited that each v-arm terminating in a wrist loop. It would appear the device has a pair of v-arm loops that also has wrist loops. Loops on loops. In line 8 it is not clear what

“a source of resistance” is at the aide’s end. Isn’t this just the aide? It is also not clear what is meant by “a source of resistance of resistance”. In line 9, it is not clear who is “a user”. The mother and the aide have been recited.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 38-45 are rejected under 35 U.S.C. 103(a) as being unpatentable over Freymann (2,009,655) in view of Balne.

Freymann teaches the heart of applicant’s invention. Freymann teaches a method for assisting active labor by having the mother pass their hands through a loop 6 and gripping a handhold 5 with the other end held by a source of resistance. Pulling against the source of resistance would increase the force exerted by the mother’s perineal and rectal muscles. The very same method disclosed is taught by Freymann. The only difference may be in the details of the structure used. While applicant’s mother’s end includes a V shaped end there appears to be no unobviousness to this arrangement since Balne teaches the advantages of using a V shaped end for pulling against a source of resistance. Just as applicant’s invention isn’t limited to the specific structure shown by including handlebars, molded rubber handgrips, plastic handgrips, beads and balls or that the elongated cord can be made from rope or bungee cord, cable, chain, natural fibers, synthetic fibers or a mixture of natural and synthetic fibers, nylons, polyesters, polyolefins, liquid crystal polymers, cotton, jute, flax, hemp abaca, sisal or henequen. If

applicant's device can include plastic handgrips or handlebars there appears to be no criticality to the form in which the handgrip takes. The handgrip of Freymann would appear to comprehend the claimed handgrip or handlebar. If the loop material can be made of all those different materials there appears to be no criticality of the exact structure of the loop. Freymann teaches the provision of using a loop for the wrists so that if the mother loses her grip then the loops would take over. The same method is performed. It would have been obvious to one of ordinary skill in the art to modify Freymann to join the mother's end into one single cord as taught by Balne so as to join the pulling forces at each handgrip to a central cord for centering the forces and evenly distributing the forces otherwise if one arm became weak the mother's body would twist and turn due to the one sided force created.

Claims 46-53 are rejected under 35 U.S.C. 103(a) as being unpatentable over Balne.

Balne teaches a system that includes one end that can be called the mother's end that includes a pair of V arms at the handle assembly end with a knot at the juncture of the V arms. A source of resistance is formed at the other end of the device. Balne teaches different sources of resistance. To any extent there are differences between the claimed invention and Balne such would have been well within the realm of the artisan of ordinary skill since none of the differences appear to be critical to the instant invention.

Response to Arguments

Applicant's arguments filed 14 March 2007 have been fully considered but they are not persuasive. It still appears that Freymann teaches the same method as applicant's. The device does stabilize the mother "while pulling rearwardly upon the straps, as an aid in effecting delivery" column 1, page 1, lines 8-11. Freymann even provides the loops 6 for the wrists.

While the loops are not loosely placed around the wrists the purpose is the same. The loops would prevent the aide from handing the device back to the mother a hundred and fifty times.

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a).

Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Danton DeMille whose telephone number is (571) 272-4974. The examiner can normally be reached on M-F from 8:30 to 6:00 EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Justine Yu, can be reached on (571) 272-4835. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access

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to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

23 May 2007

/Danton DeMille/

Danton DeMille
Primary Examiner
Art Unit 3771